

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 10/015,953

AMENDMENTS TO THE DRAWINGS

Applicants submit herewith a cleaner set of drawings.

Attachment: 7 Replacement Sheets

REMARKS

Claims 1-17 presently are pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

The Examiner has kindly acknowledged the claim for foreign priority under 35 U.S.C. § 119, as well as receipt of the certified copy of the priority document.

The Examiner has accepted the drawings filed together with the application. However, Applicants are filing cleaner replacement drawings together with this response to the present Office Action.

The Examiner indicates that claims 3, 7, and 15-17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Although no prior art rejections have been made, the Examiner has provisionally rejected claims 1, 2, 4-6, 8-10 and 11-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of Samsung Electronics Co., Ltd.'s copending Application No. 10/310,134. The Examiner maintains that although the conflicting claims are not identical, they are not patentably distinct from each other because

“the instant claimed invention has a reflecting unit that is elastically rotated and the system has a shielding electrode means whereas the copending does have the shielding means (claims 10, 15, 17) but does not contain the obvious design choice of elastically rotating specifics, but the torsion bar can have this property to various degrees depending on the flexibility needs of the system.”

To overcome the provisional obviousness-type double patenting rejection, and as the path of least resistance, Applicant submits herewith a suitable Terminal Disclaimer. The filing of a

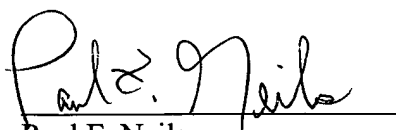
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 10/015,953

terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. In short, obviation of the double patenting rejection by submission of a terminal disclaimer should not be construed as an admission or acquiescence or estoppel on the merits. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392, 1394, 1395 (Fed. Cir. 1991).

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Paul F. Neils
Registration No. 33,102

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 28, 2005

Attorney Docket No.: Q67371